

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

KOSS CORPORATION,

Plaintiff,

v.

BOSE CORPORATION,

Defendant.

Civil Action No. 1:20-cv-12193-RGS

JOINT STATUS REPORT

Pursuant to the Court’s Order (ECF No. 60), Plaintiff Koss Corporation (“Koss”) and Defendant Bose Corporation’s (“Bose”) hereby submit this joint status update regarding the status of proceedings before the Court of Appeals for the Federal Circuit (“Federal Circuit”).

As the Court is aware, Bose filed petitions for *inter partes* review against U.S. Patent Nos. 10,206,025 (“the ’025 patent”), 10,368,155 (“the ’155 patent”), and 10,469,934 (“the ’934 patent”). The Patent Trial and Appeal Board (PTAB) issued decisions related to each patent, and Koss and/or Bose appealed those decisions.

Koss appealed the PTAB’s final written decision in IPR2021-00297, which relates to the ’155 patent. Koss’s appeal is *Koss Corp. v. Bose Corp.*, Case No. 2022-2090 (Fed. Cir.). As of the filing date of this status report, all briefing is complete in this appeal and the parties are awaiting scheduling of the oral argument.

Both parties appealed different aspects of the PTAB’s final written decisions in IPR2021-00612, which relates to the ’025 patent, and IPR2021-00680, which relates to the ’934 patent. Those appeals and cross-appeals were consolidated as *Koss Corp. v. Bose Corp.*, Case Nos. 2023-

1173 (main), 2023-1179, 2023-1180 and 2023-1191. These consolidated appeals are pending. To date, Koss has filed its opening brief and Bose filed its response/cross-appeal brief on June 1, 2023. Koss' filed its reply brief on July 25, 2023. Bose's final reply brief for its cross-appeals is due August 29, 2023. No oral argument has been scheduled for any appeals.

Additionally, Koss provides the following update to provide a more complete picture of the litigation relating to Koss' headphone patents. On August 4, 2023, Koss dismissed an action against defendants Plantronics, Inc. and Polycom, LLC pending in the Northern District of California in which Koss alleged infringement of the '025 Patent, the '934 Patent, and U.S. Patent Nos. 10,506,325, 10,757,498, and 10,848,852. *See Koss Corporation v. Plantronics Inc. et al.* Case No. 21-cv-03854-JST (July 22, 2020) (transferred from Western District of Texas), Dkt. No. 101. This dismissal mooted an outstanding motion to dismiss, and resulted in the agreement to dismiss of two pending IPRs relating to patents that have not been asserted against Bose. *See* IPR2022-01503 (U.S. Patent No. 10,757,498), and IPR2022-01504 (U.S. Patent No. 10,848,852).

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Respectfully submitted,

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